

ASSEMBLY BILL

No. 2161

Introduced by Assembly Member Fong

February 18, 2010

An act to add Section 20112.1 to the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2161, as introduced, Fong. School districts: contracts: formal bids: school facilities: notices.

Existing law requires that a school district that seeks to let a contract involving a specified minimum expenditure for the purchase of equipment, materials, or supplies to be furnished, sold, or leased to the school district, or involving a specified minimum expenditure on a public project, publish a notice calling for bids on the contract at least once a week for 2 weeks in specified newspapers, stating the work to be done or materials or supplies to be furnished and the time when and place where the bids will be opened. Existing law also allows the notice to be posted on the district's Internet Web site or through an electronic portal.

This bill would additionally require, for the purpose of securing bids for the construction of school facilities, notice to be posted by the governing board on the district's Internet Web site or through an electronic portal, or on another Internet Web site or electronic portal if the district does not maintain an Internet Web site. By imposing new requirements on school districts, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 20112.1 is added to the Public Contract
2 Code, to read:

3 20112.1. (a) For the purpose of securing bids for the
4 construction of school facilities, the governing board of a school
5 district shall post on the district's Internet Web site or through an
6 electronic portal a notice calling for bids. The notice calling for
7 bids shall state the work to be done or the materials or supplies to
8 be furnished and the time, place, and Internet Web site where bids
9 will be opened. The governing board of the school district may
10 accept a bid that was submitted electronically or on paper. A bid
11 shall not be received after the time fixed in the public notice for
12 opening bids, whether or not bids are opened exactly at that fixed
13 time.

14 (b) If a school district does not possess or maintain an Internet
15 Web site, then the school district shall post a notice calling for
16 bids on another Internet Web site or electronic portal, and shall
17 provide notice of that Internet Web site or electronic portal at least
18 once a week for two weeks, following the school district's choice
19 of an Internet Web site or electronic portal, in a newspaper of
20 general circulation published in the school district, or if there is
21 no such paper, then in a newspaper of general circulation, circulated
22 in the county.

23 (c) A school district may also distribute a notice calling for bids
24 through any other means, including, but not limited to, newspapers,
25 trade or professional journals, Internet Web sites, electronic mail,
26 or other print publications or electronic means.

27 SEC. 2. If the Commission on State Mandates determines that
28 this act contains costs mandated by the state, reimbursement to

1 local agencies and school districts for those costs shall be made
2 pursuant to Part 7 (commencing with Section 17500) of Division
3 4 of Title 2 of the Government Code.

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